

HOUSE BILL 3431
By Sargent

AN ACT to enact the "Tennessee National Guard Tuition Assistance Act" and to amend Tennessee Code Annotated, Title 4, Chapter 51, Part 1 and Title 49, relative to lottery funded educational programs and purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, is amended by adding the following language as a new part:

Section 49-4-1001. This act shall be known and may be cited as the "Tennessee National Guard Tuition Assistance Act".

Section 49-4-1002. It is the intent of the general assembly to encourage non-prior service persons to become members of the Tennessee national guard and to encourage retention of those members already serving in the Tennessee national guard by offering a tuition assistance program to those individuals.

Section 49-4-1003. As used in this part, unless the context otherwise requires:

(1) "Educational institution" means any eligible public postsecondary institution, as defined in § 49-4-902(10), or any eligible independent postsecondary institution, as defined in § 49-4-902(8);

(2) "Member" means an active member of a federally recognized unit of the Tennessee national guard who is maintaining satisfactory membership as defined by regulations of the department of the United States army and the department of the United States air force. For the purposes of this part, such member shall be a citizen of Tennessee;

(3) "Tennessee national guard" means the federally recognized units of the Tennessee army and air national guard; and

(4) "Tuition award" means an amount of tuition assistance up to the annual amount awarded to an eligible applicant under the Tennessee HOPE scholarship program pursuant to title 49, chapter 4, part 9.

Section 49-4-1004. The Tennessee national guard tuition assistance program is established to provide members of the Tennessee national guard with the opportunity to attend an educational institution. Such tuition assistance program shall be established under the authority of the adjutant general of Tennessee who shall promulgate administrative rules and regulations, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to establish eligibility requirements for participation in such program and to provide for the financial management of such program.

Section 49-4-1005. Upon certification by the adjutant general that the member is eligible, the military department, to the extent that funds have been appropriated in the General Appropriations Act from the national guard tuition assistance fund, may provide a tuition award to be applied against an eligible member's tuition at an educational institution in such manner and with such documentation as required by the educational institution and on such forms as may be established and required by rule or regulation promulgated by the adjutant general of Tennessee.

SECTION 2. Tennessee Code Annotated, Section 4-51-111, is amended by adding the following language as a new subsection:

(g)

(1) There is created a special account in the state treasury to be known as the "national guard tuition assistance fund", hereinafter referred to as the "national guard account". In accordance with § 4-51-123, fifty percent (50%) of moneys constituting an unclaimed prize shall be deposited in the national guard account at the end of each fiscal year.

(2)

(A) Moneys in the national guard account shall be used exclusively for the support of the national guard tuition assistance act and

shall be expended in a manner otherwise consistent with the provisions of Article XI, § 5 of the Constitution of Tennessee.

(B) The general assembly shall appropriate from the national guard account by specific reference to it, or by reference to the "national guard account". Such appropriations shall otherwise be made in the manner required by law for appropriations.

(3) Any reserve balance remaining unexpended at the end of a fiscal year in the national guard account shall not revert to the general fund but shall be carried forward into the subsequent fiscal year.

(4) Notwithstanding any provision of this section to the contrary, interest accruing on investments and deposits of the national guard account shall be credited to such account, shall not revert to the general fund, and shall be carried forward into the subsequent fiscal year.

(5) Moneys in the national guard account shall be invested by the state treasurer in accordance with the provisions of § 9-4-603.

SECTION 3. Tennessee Code Annotated, Section 4-51-123, is amended by deleting subsection (h) in its entirety and by substituting instead the following:

(h) Unclaimed prize money shall not constitute net lottery proceeds and, for the purposes of § 4-51-111(a), shall not be distributed as lottery proceeds. The provisions of title 66, chapter 29 shall not apply to unclaimed prize money of the corporation. At the end of each fiscal year, fifty percent (50%) of any unclaimed prize money shall be deposited in the national guard tuition assistance fund created in accordance with § 4-51-111 and fifty percent (50%) of any unclaimed prize money shall be deposited in the after school programs special account created in accordance with § 4-51-111.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. The provisions of this act shall not be construed to be an appropriation of funds, and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 6. This act shall take effect July 1, 2003, the public welfare requiring it